

REMARKS

In an Office action dated October 15, 2008, the Examiner considered pending claims 21-64, following which:

- (1) claims 21, 27, 28, 36, 37, and 39 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,368,350 to Erickson et al ("Erickson");
- (2) claims 21-23, 30 and 34 stands rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,936,071 to Marnay et al. ("Marnay");
- (3) claims 21, 22, 29, 33, 35, 41, 47-50, 56 and 62-64 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,610,093 to Pisharodi ("Pisharodi");
- (4) claims 24-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of U.S. Patent No. 6, 419,706 to Graf ("Graf");
- (5) claim 38 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,368,350 to Erickson;
- (5) claims 40-47, 52, 55, 56, 57, 58, 59 and 60 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson in view of Pisharodi;
- (6) claim 54 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Pisharodi in view of Graf; and
- (7) claims 31, 32, 51, and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The action was made final.

Amendments to Overcome Objections to Allowable Claims 31, 32, 51, and 53

The Examiner's recognition of the patentability of claims 31, 32, 51, and 53 is appreciated. It is respectfully submitted that the rejections of claims 21-30, 33-50, 52, and 54-64 are in error, and that those claims are patentable as well, for at least the reasons set forth in previous replies. Nevertheless, solely to advance the prosecution of allowable claims 31, 32, 51,

and 53 to issuance, amendments are presented to overcome the objections and present the allowable claims rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As set forth in the **Amendments to the Claims** and **Listing of Claims** sections of this paper, claims 21, 25, 29, 30, 32-35, 41, 48, 50, and 52 are amended, claims 22-24, 31, 46, 47, 51, 53, and 56-64 are canceled, and claims 65-75 are added. No new matter has been introduced by such amendments, which are fully supported by the original disclosure. The amendments:

- Rewrite claim 21 to incorporate and present allowable claim 31 and intervening claims 24 and 22 in independent format;
- Rewrite claim 41 to incorporate and present allowable claim 51 and intervening claim 47 in independent format; and
- Add claim 65 to incorporate and present allowable claim 53 and intervening claim 47 in independent format within the text of former claim 41.

Claims 25, 29, 30, and 32-35 are amended to depend directly or indirectly from amended claim 21, which corresponds to allowable claim 31. Following amendment, claims 25-30 and 32-40 depend from now allowable claim 21, and are allowable for at least the reason as former claim 31 (now amended claim 21).

Claims 48, 50, and 52 are amended to depend directly or indirectly from amended claim 41, which corresponds to allowable claim 51. Following amendment, claims 42-45, 48-50, 52, 54, and 55 depend from now allowable claim 41, and are allowable for at least the reasons as former claim 51 (now amended claim 41).

Claims 66-75 depend from new claim 65, which corresponds to allowable claim 53 and are patentable for at least the reasons as former claim 53 (now new claim 65).

Because the basis for the objections to allowable claims 31, 32, 51, and 53 have been removed and all requirements for the allowance of those claims as set forth in the October 15, 2008, Office action have been satisfied, the allowance of amended claims 21, 25-30, 32-45, 48-50, 52, 54, 55, and 65-75 is respectfully requested.

Conclusion

In view of the reasons given above, reconsideration of the pending application and the timely allowance of pending claims 21, 25-30, 32-45, 48-50, 52, 54, 55, and 65-75 are respectfully requested.

It is believed that this paper addresses all of the rejected claims and other matters sufficiently to support the allowance of all of the pending claims. The October 15, 2008, Office action contains a number of statements potentially reflecting characterizations of various claims, supporting descriptions, and/or patent or patent application references, but regardless of whether any such statements are addressed in this response, the Principal (as defined in 37 C.F.R. § 1.32(a)(3)) declines to automatically subscribe to any statement or characterization in the Office action. Although the Examiner's rejection of claims 21-64 has been traversed as set forth above without reference to many of such statements, all rights to dispute statements regarding such rejections later in any subsequent applications or causes of action relating to this application or any other application are expressly reserved.* Accordingly, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Nothing in this paper should be construed as conceding any issue with regard to any claim except as specifically and expressly stated in this paper, and the amendment of any claim should not be construed as conceding the unpatentability of the claim prior to amendment except as specifically and expressly stated in this paper.

The Commissioner is hereby authorized by this written request to treat this or any concurrent or future reply that requires a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The Commissioner is further authorized to charge all required fees, including without limitation excess claim fees or other fees under 37 C.F.R. § 1.16 or any

* In particular, the Examiner's rejections of the dependent claims have not been addressed herein apart from their respective independent base claims, but all rights to dispute statements regarding such rejections later in this or any subsequent applications or causes of action relating to this application or any other application are expressly reserved.

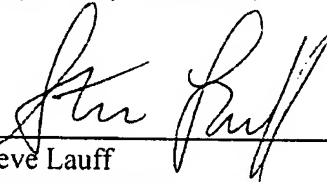
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Serial No. : 10/533,846
Filed : November 11, 2005
Page : 13 of 13

Attorney's Docket No.: 21249-014US1 / LDR/10/US

required extension of time fees or other fees under 37 C.F.R. § 1.17, to Deposit Account No. 06-1050, on which the undersigned is authorized to sign, and to treat such authorization to charge Deposit Account No. 06-1050 as a constructive petition for an extension of time in this or any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. § 1.136(a) for its timely submission. The Commissioner is further hereby authorized to credit any overpayment to Deposit Account No. 06-1050.

Please direct all correspondence in this application to **PTO CUSTOMER NO: 26201**.

Respectfully submitted,



Steve Lauff
Reg. No. 58,830

Date: April 15, 2009

Fish & Richardson P.C.
One Congress Plaza
Suite 810
111 Congress Avenue
Austin, TX 78701
Telephone: (512) 472-5070
Facsimile: (877) 769-7945